

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WALTER B. MORRIS,)	Civil Action
)	No. 13-cv-03721
Petitioner,)	
)	
v.)	
)	
)	
JEROME WALSH,)	
THE DISTRICT ATTORNEY OF THE)	
COUNTY OF CHESTER and)	
THE ATTORNEY GENERAL OF THE)	
STATE OF PENNSYLVANIA,)	
)	
Respondent)	

O R D E R

NOW, this 30th day of September, 2014, upon
consideration of the following documents:

- (1) Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody, which petition is dated June 21, 2013 and was filed on June 26, 2013;¹
- (2) Answer of the District Attorney of Chester County to Petition for Writ of Habeas Corpus, which answer was filed October 1, 2013;
- (3) Report and Recommendation of United States Magistrate Judge Henry S. Perkin dated and filed October 9, 2013;

it appearing that as of the date of this Order no objections have been filed to the Report and Recommendation of Magistrate Judge Perkin; it further appearing after review of this matter that

¹ Mr. Morris's original petition for writ of habeas corpus was filed on June 26, 2013. However, the petition itself indicates that it was signed by petitioner on June 21, 2013. Thus, giving petitioner the benefit of the prison mailbox rule, (See Burns v. Morton, 134 F.3d 109 (3d Cir. 1998) and Rule 3(d) of the Rules Governing Section 2254 Cases in the United States District Courts), I consider June 21, 2013 the filing date of Mr. Morris's original petition.

Magistrate Judge Perkin's Report and Recommendation correctly determined the legal and factual issues presented in the petition for habeas corpus relief,

IT IS ORDERED that Magistrate Judge Perkin's Report and Recommendation is approved and adopted.

IT IS FURTHER ORDERED that the petition for habeas corpus relief is denied without an evidentiary hearing.

IT IS FURTHER ORDERED that petitioner's request for a stay is denied.

IT IS FURTHER ORDERED that because petitioner has not met statutory requirements to have his case heard, and no reasonable jurist could find this ruling debatable, and because petitioner fails to demonstrate denial of a constitutional right, a certificate of appealability is denied.

IT IS FURTHER ORDERED that the Clerk of Court shall mark this case closed for statistical purposes.

BY THE COURT:

/s/ JAMES KNOLL GARDNER
James Knoll Gardner
United States District Judge